

REMARKS/ARGUMENTS

This is in response to the Office Action of November 17, 2004, in which the Examiner indicated that Claims 3, 4 and 5 would be allowable if written in independent form, but rejected Claims 1, and 2 on the basis of obviousness, citing McCullough U.S. Patent No. 3,905,210, in view of McBride U.S. Patent No. 4,279,388.

Applicant herein traverses the rejection of Claims 1 and 2 on obviousness for three important reasons.

First, both McCullough and McBride teach away from making an integral ball tension device of the type claimed. In McCullough, the ball tension unit 20 is attached to the support member 22 by a screw 42. This screw attachment is contrary to an integral formation. The use of a screw allows the tension control 20 to be adjustable and also, as explained in column 2, lines 16-21, the use of the screw attachment allows the control unit to be removed and a ceramic guide member to be attached instead. An integral unit would not be capable of such adjustability and replaceability as taught by the McCullough reference. Similarly, the McBride patent discloses a yarn tension device 48 having one or the other of two legs 20 and 22 of a mounting bracket 16 attached to a permanent member 14. The attachment of the yarn tension device 48 to the mounting bracket 16 is accomplished by a bolt 58 that passes through a slot 54 in an arm 52 extending from the yarn tension device 48 with the bolt 58 secured by a nut 60. With this slotted connection, the yarn tension device 48 may be adjusted both by sliding the slotted arm with respect to the bolt and by swiveling the yarn tension device about the bolt connection. Further, the nut and bolt attachment allows reversing of the mounting bracket 16 and attaching the yarn tension device 48 to the other bracket leg 22. Making the yarn tension device 48 integral with the mounting bracket 16 would eliminate the features to which the McBride disclosure is directed. Thus, McBride teaches away from an integral construction.

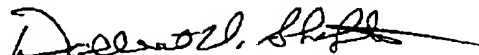
Second, it would be substantially impossible from a manufacturing and cost standpoint to make either the McCullough device or the McBride device integral. To mold the combination of the tension control 20 and support bracket 22 integral would involve the use of a complicated and expensive mold that would certainly not be as practical as making separate parts. Even more complicated would be the forming of the ball tension device 48 and the mounting bracket 16 of the McCullough patent.

Third, there is no suggestion whatsoever in either of these references of combining the references to make an integral unit. As neither of the disclosures teach or suggest an integral unit, the combination does not contribute to any suggestion of an integral formation. Without a suggestion of forming an integral unit in either of these references or in the combination of references, it cannot reasonably be asserted that it would be obvious to form an integral unit.

For the foregoing reasons, it is respectfully submitted that the prior art does not disclose, suggest or render obvious the snap-on ball tensioning device of Claims 1 and 2 wherein a ball tension portion is formed integral with a connecting portion, which is, in turn, formed integral with a leg portion.

It is respectfully submitted that Claims 1 and 2 are allowable and reconsideration and allowance of Claims 1 and 2 along with Claims 3, 4 and 5 are respectfully requested.

Respectfully submitted,



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